



KOMITI ITI AROTAKE MAHERE Ā-ROHE | DISTRICT PLAN REVIEW SUBCOMMITTEE

16 June 2022

Order Paper for the meeting to be held in the
Council Chambers, 2nd Floor, 30 Laings Road, Lower Hutt,
on:

Thursday 23 June 2022 commencing at 2.00pm

The meeting will be live streamed on Council's Facebook page.
Members of the public wishing to speak to items on the agenda are asked to
contact: democraticservicsteam@huttcity.govt.nz

Membership

Cr S Edwards (Chair)
Cr K Brown
Deputy Mayor T Lewis (Deputy
Chair)
Maiora Dentice (endorsed by Te Rūnanganui o Te Ati Awa)
Cr B Dyer
Cr N Shaw

For the dates and times of Council Meetings please visit www.huttcity.govt.nz

Have your say

[You can speak under public comment to items on the agenda to the Mayor and Councillors at this meeting. Please let us know by noon the working day before the meeting. You can do this by emailing \[DemocraticServicesTeam@huttcity.govt.nz\]\(mailto:DemocraticServicesTeam@huttcity.govt.nz\) or calling the Democratic Services Team on 04 570 6666 | 0800 HUTT CITY](#)

DISTRICT PLAN REVIEW SUBCOMMITTEE

Membership: Chair of Policy, Finance and Strategy Committee
4 other councillors
Up to 2 representatives appointed by Iwi

NOTE:

Elected members should hold current certification under the Making Good Decisions Training, Assessment and Certification Programme for RMA Decision-Makers. The Chair should in addition hold Chair certification. Standing Orders 30 and 31 outlining provisions for Tangata Whenua and Taura Here do not apply to this Subcommittee, and Iwi appointees will have full voting rights as members of the Subcommittee under Standing Orders.

Meeting Cycle: As required
Quorum: 4

Reports to: Policy, Finance and Strategy Committee

PURPOSE:

To make recommendations to the Policy, Finance and Strategy Committee, for recommendation to Council on the matters to be addressed in the full review of the District Plan and development of a Proposed District Plan.

Provide:

Direction to Council officers on all matters relating to the drafting of content for the review of the District Plan. This includes but is not limited to:

- scoping and investigation of the issues
- engagement on possible content
- development of discussion documents and other draft documents for consultation
- development of a Draft District Plan for consultation
- development of a Proposed District Plan for statutory consultation.

General:

Any other matters delegated to the Subcommittee by Council in accordance with approved policies and bylaws.

HUTT CITY COUNCIL

KOMITI ITI AROTAKE MAHERE Ā-ROHE | DISTRICT PLAN REVIEW SUBCOMMITTEE

Meeting to be held in the Council Chambers,
2nd Floor, 30 Laings Road, Lower Hutt on
Thursday 23 June 2022 commencing at 2.00pm.

ORDER PAPER

PUBLIC BUSINESS

1. OPENING FORMALITIES - KARAKIA TIMATANGA (22/1300)

Whakataka te hau ki te uru	<i>Cease the winds from the west</i>
Whakataka te hau ki te tonga	<i>Cease the winds from the south</i>
Kia mākinakina ki uta	<i>Let the breeze blow over the land</i>
Kia mātaratara ki tai	<i>Let the breeze blow over the ocean</i>
E hī ake ana te atakura	<i>Let the red-tipped dawn come with a</i>
He tio, he huka, he hau hū	<i>sharpened air.</i>
Tihei mauri ora.	<i>A touch of frost, a promise of a glorious</i>
	<i>day.</i>

2. APOLOGIES

3. PUBLIC COMMENT

Generally up to 30 minutes is set aside for public comment (three minutes per speaker on items appearing on the agenda). Speakers may be asked questions on the matters they raise.

4. CONFLICT OF INTEREST DECLARATIONS

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

5. MINUTES

Meeting minutes District Plan Review Subcommittee, 12 May 2022 5

6. RECOMMENDATION TO KOMITI RATONGA RANGATŌPŪ ME TE RAUTAKI | POLICY FINANCE AND STRATEGY COMMITTEE AND TE KAUNIHERA O TE AWA KAIRANGI | COUNCIL - 5 JULY 2022

Final Draft Intensification Planning Instrument (22/1039)

Report No. DPRS2022/3/116 by the Senior Policy Planner 11

CHAIR'S RECOMMENDATION:

“That the recommendations contained in the report be endorsed.”

7. QUESTIONS

With reference to section 32 of Standing Orders, before putting a question a member shall endeavour to obtain the information. Questions shall be concise and in writing and handed to the Chair prior to the commencement of the meeting.

8. CLOSING FORMALITIES - KARAKIA WHAKAMUTUNGA (22/1301)

Unuhia!	<i>Release us from the supreme</i>
Unuhia!	<i>sacredness of our tasks</i>
Unuhia i te uru-tapu-nui	<i>To be clear and free</i>
Kia wātea, kia māmā	<i>in heart, body and soul in our</i>
Te ngākau, te tinana, te wairua	<i>continuing journey</i>
i te ara takatū	<i>Oh Rongo, raise these words up high</i>
Koia rā e Rongo whakairihia	<i>so that we be cleansed and be free,</i>
ake ki runga	<i>Yes indeed, we are free!</i>
Kia wātea, kia wātea!	<i>Good and peaceful</i>
Ae rā, kua wātea!	
Hau, pai mārire.	

Annie Doornebosch
Democracy Advisor

HUTT CITY COUNCILKOMITI ITI AROTAKE MAHERE Ā-ROHE |
DISTRICT PLAN REVIEW SUBCOMMITTEE

Minutes of a meeting held via Zoom on
Thursday 12 May 2022 commencing at 2.00pm
and resumed in the Council Chambers, 2nd Floor, 30 Laings Road, Lower Hutt on
Thursday 19 May 2022 commencing at 2.00pm

PRESENT: Cr S Edwards (Chair) Cr K Brown (from 2.05pm on 12 May 2022)
(via audio visual on Cr B Dyer Deputy Mayor T Lewis
12 May 2022 and in the Cr N Shaw Ms M Dentice (19 May 2022)
Council Chambers on
19 May 2022)

APOLOGIES: An apology was received from Ms M Dentice for 12 May 2022

IN ATTENDANCE: Ms H Oram, Director Environment and Sustainability
(via audio visual on Ms P Rotherham, Head of Planning
12 May 2022 and in the Ms K Pascall, Policy Planning Manager
Council Chambers on Mr N Geard, Senior Policy Planner
19 May 2022) Ms E Campbell, Pou Whakamahere Kaupapa Here
Mr C Page, Intermediate Policy Planner
Mr S Bellamy, Intermediate Policy Planner
Mr S Davis, Policy Planner
Ms C Taylor, Principal Advisor Research and Evaluation
Ms K Glanville, Senior Democracy Advisor
Mrs A Doornebosch, Democracy Advisor

PUBLIC BUSINESSThursday, 12 May 2022**1. OPENING FORMALITIES - KARAKIA TIMATANGA**

Whakataka te hau ki te uru	<i>Cease the winds from the west</i>
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Tihei mauri ora.	

2. APOLOGIES

RESOLVED: (Cr Edwards/Dyer)

Minute No. DPRS22201(2)

“That the apology received from Ms Dentice for Thursday 12 May 2022 be accepted and leave of absence be granted.”

3. PUBLIC COMMENT

There was no public comment.

4. CONFLICT OF INTEREST DECLARATIONS

There were no conflict of interest declarations.

5. MINUTES

RESOLVED: (Cr Edwards/Cr Shaw)

Minute No. DPRS 22202(2)

“That the minutes of the meeting of the District Plan Review Subcommittee held on Thursday, 7 April 2022, be confirmed as a true and correct record subject to an amendment on page 6 to read: ...He noted Council would need to assess, in the coming years, a new requirement under the national planning standards for the local authorities to implement them. He also hoped that better e-plans could be implemented alongside this IPI and not wait for the full district plan.”

Cr Brown joined the meeting at 2.05pm.

6. DRAFT INTENSIFICATION PLANNING INSTRUMENT (22/1009)

Report No. DPRS2022/2/86 by the Senior Policy Planner

The Senior Policy Planner elaborated on the report. He noted officers were presenting the report as well as the outcomes of the recent community engagement.

Cr Brown expressed concern that consultation with mana whenua had not been completed. She said this should be completed before members considered the officer's report. She also said the consultation document had only been provided to members 24 hours prior to the subcommittee meeting and she had not had time to fully consider the content.

In response to questions from members, the Policy Planning Manager acknowledged engagement with mana whenua had not yet been completed. She noted that officers were actively engaging with mana whenua partners and were developing a contract to enable this engagement. She said officers expected to report back on the outcomes of the consultation at the subcommittee meeting to be held on 23 June 2022. She noted this meeting would be the final opportunity to make recommendations to Council prior to the plan change notification on 20 August 2022.

In response to questions from members, the Pou Whakamahere Kaupapa Here advised engagement was occurring with mana whenua. She acknowledged that more sustainable processes were needed to manage the engagement. She considered this a low risk given she had discussed with mana whenua in depth about the likely impacts of the plan change. She advised these discussions had included the qualifying matters and the decision to carry over the provisions around sites of significance in the community iwi activity areas. She said concerns expressed by mana whenua included intensification and the effects of this on infrastructure and the proximity of intensive builds to marae and sites of significance.

In response to a question from a member, the Director Environment and Sustainability advised the mana whenua vacancy on the subcommittee was still vacant.

The meeting adjourned at 2.31pm and resumed at 2.45pm

In response to a question from a member, the Director Environment and Sustainability advised that the officer's report was seeking direction from members for work to continue on the development of the Intensification Planning Instrument. She suggested that a break in proceedings to another date and time would assist members and allow them more time to consider the community consultation feedback.

The Chair asked members to provide their preliminary feedback about the matters relating to four and six storey buildings to officers prior to resuming the meeting.

RESOLVED: (Cr Edwards/Deputy Mayor Lewis)

Minute No. DPRS 22203 (2)

"That in accordance with Standing Order 25.2 c) the item being discussed should be adjourned to Thursday 19 May 2022 at 2.00pm in the Hutt City Council Chambers and not be further discussed at the meeting."

Cr Edwards abstained from voting on the above matter.

The Chair declared the meeting adjourned at 3.08pm.

Thursday, 19 May 2022 at 2pm

The Chair introduced Ms Liz Mellish, Chairman of the Palmerston North Māori Reserve Trust. The Chair advised that under Standing Order 30.5, Ms Mellish had the same speaking and voting rights as members of the subcommittee.

Ms Mellish noted the Palmerston North Māori Reserve Trust (the Trust) was an Ahu Whenua Trust under the Te Ture Whenua Māori Land Act 1993. She said the Trust was formed in 1866 and was a sister trust to the Wellington Tenth Trust. She highlighted there were not many tikanga Māori hearing commissioners and encouraged Council to provide opportunities for iwi members to become commissioners. She said iwi understood the values and history associated with the waterways, land and urupā and would act as kaitiaki for the region. She asked members to consider these issues as the rules and regulations were developed for the Implementation Planning Instrument (IPI). She introduced Richard Te One as the point of contact for the Trust.

In response to a question from a member, Mr Te One asked officers to consider who the housing intensification was for. He noted some areas of the community where intensification had occurred had a high population of Māori residents but many of the new houses were not occupied by Māori.

The Chair thanked Ms Mellish and Mr Te One for their advice and comments.

The Senior Policy Planner noted through the IPI, Council needed to introduce a package of provisions to ensure that six storey buildings were enabled in its residential areas. He said the options presented in the report were seeking direction from members on what should be included in that package of provisions. He highlighted this was broken down into activity status for the rules, the development standards that would apply for buildings of four to six storeys and the notification provisions.

In response to questions from members, the Senior Policy Planner noted officers had received good feedback from the community engagement, albeit a small number of respondents. He said natural hazards was a consistent concern raised by respondents. He advised mixed feedback was received regarding historic heritage and residential character areas. He noted in general participants did not support intensification but if they did, this was generally around the city centre. He said most respondents supported the introduction of new standards under the Medium Density Residential Standards in relation to the minimum landscaping provision, the percentage of windows on street facing facades and an outlook space standard. He advised it was considered the assessment attached to the officer's report on residential character did not reach the criteria to be a qualifying matter in Lower Hutt. He noted the District Plan could still include some specific policies and matters of discretion in its restricted discretionary rules. He said this would provide guidance and direction in new developments. He highlighted the Riverlink project would have a significant impact on the Lower Hutt city centre and recommended this be considered as part of the District Plan review. He advised this could be addressed once more certainty of those changes were known. He said it could be possible to provide for a separate plan change to target benefits of the Riverlink project. He noted the Riverlink Project Team could make a submission through the IPI process and officers would work with the Riverlink Project Team as the project developed. He said officers could provide a table and maps to provide a more visual impression of what would be included in the four to six storey suburban adjacent zones near walkable catchments.

In response to a question from a member, the Head of Planning advised some developers applied for a resource consent with a sale and purchase agreement for a property, subject to resource consent being granted.

In response to a question from a member, the Policy Planning Manager advised that officers could provide a summary of themes from the consultation feedback to the subcommittee meeting to be held on 23 June 2022. She noted the summary could include advice on which aspects were in the scope of the IPI and which would need to be considered within the full District Plan review.

The motion was taken in parts. All parts were declared CARRIED on the voices.

RESOLVED: (Cr Edwards/Cr Dyer)

Minute No. DPRS 22204(2)

“That the Subcommittee:

(1) receives the information contained in the report, including:

- (a) the working draft of key chapters of the Intensification Planning Instrument attached as Appendix 1 to the report; and*
- (b) the preliminary results of engagement on the Draft Summary Document;*

(2) notes the working draft of key chapters of the Intensification Planning Instrument; and

(3) requests officers to prepare an Intensification Planning Instrument for consideration at the next District Plan Review Subcommittee meeting through the following approach:

(a) activity statuses for rules that apply to 4-6 storey buildings:

- (i) restricted discretionary rule - resource consent required, may be granted or declined, but Council’s discretion is restricted to matters specified in the District Plan (Option 3).”*

RESOLVED: (Cr Edwards/Cr Brown)

Minute No. DPRS 22205(2)

“That the Subcommittee requests officers to prepare an Intensification Planning Instrument for consideration at the next District Plan Review Subcommittee meeting through the following approach:

(b) specific development standards for 4-6 storey buildings:

- (i) maximum building height of 22m; and*
- (ii) no maximum height in relation to boundary standard, but still with requirements (through policies and matters of discretion) that ensure impacts on privacy and access to sunlight for adjoining sites are assessed on a case-by-case basis through a the resource consent process. (Option 5);”*

RESOLVED: (Cr Edwards/Cr Dyer)

Minute No. DPRS 22206(2)

“That the Subcommittee requests officers to prepare an Intensification Planning Instrument for consideration at the next District Plan Review Subcommittee meeting through the following approach:

(c) notification requirements for 4-6 storey buildings:

- (i) public notification is precluded, but owners and occupiers of adjoining properties may be notified (Option 2);”*

RESOLVED: (Cr Edwards/Cr Dyer)

Minute No. DPRS 22207(2)

“That the Subcommittee requests officers to prepare an Intensification Planning Instrument for consideration at the next District Plan Review Subcommittee meeting through the following approach:

(d) enabling residential character to be considered where resource consent is required:

- (i) no consideration of residential character where resource consent is required (Option 1);”*

RESOLVED: (Cr Edwards/Deputy Mayor Lewis)

Minute No. DPRS 22208(2)

“That the Subcommittee requests officers to prepare an Intensification Planning Instrument for consideration at the next District Plan Review Subcommittee meeting through the following approach:

(e) where Council could provide greater building heights in commercial zones:

(i) provide for taller buildings in Petone Commercial Activity Area - Area 2 (the western end of the Petone commercial area, near the railway station) with case-by-case resource consent assessment of any new building (Option 2).”

RESOLVED: (Cr Dyer/Ms Dentice)

Minute No. DPRS 22209(2)

“That the Subcommittee asks officers to explore working with mana whenua partners to increase the pool of Tikanga Māori Commissioners.”

7. QUESTIONS

There were no questions.

8. CLOSING FORMALITIES - KARAKIA WHAKAMUTUNGA

Unuhia!

Release us from the supreme sacredness of our tasks

Unuhia!

To be clear and free

Unuhia i te uru-tapu-nui

in heart, body and soul in our continuing journey

Kia wātea, kia māmā

Oh Rongo, raise these words up high

Te ngākau, te tinana, te wairua i te

so that we be cleansed and be free,

ara takatū

Yes indeed, we are free!

Koia rā e Rongo whakairihia ake ki

Good and peaceful

runga

Kia wātea, kia wātea!

Ae rā, kua wātea!

Hau, pai mārīre.

There being no further business the Chair declared the meeting closed at 4.00pm.

Cr S Edwards

CHAIR

CONFIRMED as a true and correct record

Dated this 23rd day of June 2022



District Plan Review Subcommittee

02 May 2022

File: (22/1039)

Report no: DPRS2022/3/116

Final Draft Intensification Planning Instrument

Purpose of Report

1. The purpose of this report is to present the Final Draft of the Intensification Planning Instrument (Appendix 7 attached to the report) to the Subcommittee for its consideration.

Recommendations

That the Subcommittee recommends that the Policy Finance and Strategy Committee recommends that Council:

- (1) receives and notes the information contained in the report;
- (2) receives the Final Draft Intensification Planning Instrument attached as Appendix 7 to the report;
- (3) adopts the Final Draft Intensification Planning Instrument as Council's proposed Intensification Planning Instrument; and
- (4) directs officers to:
 - (i) notify the proposed Intensification Planning Instrument by 20 August 2022;
 - (ii) prepare a formal evaluation report for the Intensification Planning Instrument; and
 - (iii) make minor amendments to the proposed Intensification Planning Instrument, as necessary.

Background

2. In December 2021, the Resource Management Act was amended to include additional requirements for enabling development in urban areas.
3. As a result of the amendment, Tier 1 local authorities (councils of high growth areas, including Hutt City Council) must prepare an Intensification Planning Instrument (an IPI).

4. An IPI is a change to a district plan that must:
 - Incorporate the Medium Density Residential Standards (MDRS), a set of standards listed in Schedule 3A of the Resource Management Act, which must be inserted into the District Plan without amendment. The MDRS provide for three dwellings on a site, up to three storeys in height. Other standards are also included to support this scale of development, including outdoor living space, site coverage, and height in relation to boundary (recession plane) requirements. The District Plan can be more enabling than the MDRS but must not be more restrictive.
 - Give effect to Policy 3 of the National Policy Statement on Urban Development which requires the District Plan to:
 - a. Enable as much development capacity as possible in city centres;
 - b. Enable development of at least 6 storeys:
 - i. Within a walkable catchment of city centres and metropolitan centres;
 - ii. Within a walkable catchment of rapid transit stops (for Lower Hutt this includes all train stations);
 - c. In all other centres, enable building heights and densities of urban form commensurate with the level of commercial activity and community services in that centre.
5. The IPI may reduce the building heights and densities required by the MDRS and Policy 3 of the NPS-UD to accommodate a 'qualifying matter'. Qualifying matters include historic heritage, natural hazards, or sites of significance to Māori. This can only be applied to the extent necessary to accommodate that qualifying matter.
6. In addition, the IPI must follow a bespoke plan change process, known as an Intensification Streamlined Planning Process (the ISPP). The ISPP is a more streamlined version of the standard plan change process.
7. A summary of the IPI requirements and ISPP are attached as Appendix 1 to the report.
8. At the time these new requirements were passed into law, Council was undertaking a full review of the District Plan. At a meeting on 28 February 2022, Council resolved to proceed with the District Plan review by:
 - Preparing and notifying an IPI by 20 August 2022; and
 - On the completion of the IPI process, preparing a full new District Plan.
9. Since that meeting, officers have been preparing a draft IPI, under the direction of the District Plan Review Subcommittee. This has included community engagement and targeted engagement with Mana Whenua.

10. The report presents the Final Draft IPI to the Subcommittee for its consideration.

Discussion

What the IPI requirements mean for Lower Hutt

11. The IPI will result in significant changes to the level of development that is provided for in the City of Lower Hutt District Plan.
12. For most residential areas, the District Plan will need to incorporate the MDRS. As a result, three-storey buildings and three dwellings per site will be permitted in most residential areas.
13. In addition, the District Plan will need to enable buildings of at least six storeys within the walkable catchments of the Lower Hutt city centre (a City centre zone), Petone commercial area (a Metropolitan centre zone) and train stations on the Hutt Valley and Melling Lines (rapid transit stops). These areas cover the majority of the Hutt Valley floor, including areas where the District Plan currently enables low density development (through the Special Residential Activity Area).
14. For Lower Hutt City Centre, the District Plan must enable as much development capacity as possible. This includes the removal of building height limits. In the Petone commercial area, the District Plan must enable buildings of at least six storeys.
15. The District Plan will also need to enable greater development in other suburban centres and in the adjacent areas. This includes the suburban centres of Avalon, Eastbourne, Moera, Stokes Valley and Wainuiomata.
16. However, as noted above, Council is able to limit building heights and density to the extent necessary to accommodate qualifying matters. This includes areas where development should be managed to address natural hazard risk. For Lower Hutt this includes areas that are particularly susceptible to fault rupture, flooding, tsunami and coastal hazards.
17. Building heights and density can also be limited to manage impacts on historic heritage values. Several historic heritage areas have been identified in the development of the IPI, mostly in Petone but also in Moera and Wainuiomata.

What Council has discretion over

18. The RMA sets minimum legal requirements that the IPI must meet. However, Council discretion over some aspects. In particular, Council has discretion over:
 - Whether to be more enabling of development by omitting one or more of the standards from the MDRS or by including a more lenient standard.
 - Whether to enable greater building heights in areas outside the walkable catchment areas.

- Whether to enable building heights of more than six-storeys in any residential areas.
 - Whether to limit building heights and density to accommodate the qualifying matters specified in the RMA.
19. Appendix 2 attached to the report gives a comparison of the minimum legal requirements of the IPI and the approach of the Final Draft IPI. This comparison highlights where the Final Draft IPI is more lenient than required, with reasons.
20. In addition, the level of development that would be enabled by the IPI will also be influenced by Council's interpretation of:
- Which zones it considers to be City centre and Metropolitan centre zones (officer's recommendation is that these are the Central Commercial Activity Area and Petone Commercial Activity Area, respectively).
 - The location of Lower Hutt's rapid transit stops (officer's advice is that these are all train stations on the Hutt Valley and Melling Lines).
 - The size of the walkable catchments for the City centre and Metropolitan centre zones and rapid transit stops (officer's recommendation is that these are 1200m from the edge of the city centre and metropolitan centre zones and 800m from the rapid transit stops).
 - Enabling building heights and density within and adjacent to other centre zones that is commensurate with the level of commercial activities and community services (officer's recommendation is the level of development enabled in areas adjacent to Avalon, Eastbourne, Moera, Stokes Valley and Wainuiomata suburban centres should be the same as the level enabled in the walkable catchment areas).
 - Where in Lower Hutt qualifying matters apply (the qualifying matters recommended by officer's are listed in Table 1).

Engagement with Mana Whenua and the community

21. Engagement with Mana Whenua on the IPI commenced in early 2022. This includes two hui with each of Council's four Mana Whenua partners to understand initial thoughts and feedback on the IPI requirements, as follows:
- Late February-early March 2022 to provide information on the amendments to the RMA and Council's approach to responding to the amendments; and
 - Late March-early April 2022 to discuss Council's proposed approach to enabling the MDRS across residential and commercial zones.

22. During May 2022, Mana Whenua partners were presented two summary documents outlining Council's draft IPI. The first document outlined Council's amended approach to residential and commercial chapters and the second outlined Council's approach to qualifying matters and other considerations. This provided Mana Whenua with a succinct overview of Council's approach and the opportunity to offer more formalised feedback of key concerns to officers for consideration.
23. Following this engagement, Port Nicholson Block Settlement Trust with support from Te Rūnanga o Āti Awa, Wellington Tenth's Trust and Palmerston North Māori Reserve Trust co-authored a submission (attached as Appendix 3 to the report) on the draft IPI, and Te Rūnanga o Toa Rangatira authored an additional submission (attached as Appendix 4 to the report). Appendix 5 attached to the report summarises this feedback.
24. Topics covered in these submissions include:
- Te Tatau o Te Pō Marae, other marae and kōkiri centres in the Community Iwi Activity Area;
 - Te Puni, Owhiti and Korokoro urupā;
 - Sites of significance;
 - Papakāinga provisions;
 - Traffic Issues;
 - Infrastructure;
 - Suburban change;
 - Natural hazards risk;
 - The timeframe for the IPI; and
 - Lack of appeal rights in the ISPP appeal rights.
25. Council also undertook engagement with the wider community in March to seek feedback on the Council's approach for implementing the Government's requirements. This engagement took the form of a survey with questions focussed on matters that Council has discretion over or needs to make an interpretation on:
- a. the distances people are willing to walk to access key services;
 - b. whether intensification should be enabled in areas that fall outside of the NPS-UD requirements;
 - c. whether additional design standards which are optional under the MDRS should be introduced (landscaping, street facing facades, outlook standard);

- d. whether Council should require developers to pay a financial contribution toward public realm improvements; and
 - e. how areas that are currently identified as 'special character' areas should be treated under the new rules.
26. In addition to responses to the survey, a number of longer form submissions were also received.
27. The District Plan Review Subcommittee was provided with a summary of the survey responses in the 12 May 2022 meeting. Officers have now completed a summary of the written feedback and how the feedback has been incorporated into the Final Draft IPI (attached as Appendix 6 to the report).

Additional Heritage Assessment

28. Building heights and density can be limited in the IPI to accommodate qualifying matters specified in the RMA. This includes protection of historic heritage.
29. In the development of the draft IPI, a number of areas have been identified as potential heritage precincts. These areas had been identified by Council's heritage consultants as part of the full District Plan review.
30. As landowners, Kāinga Ora submitted separate feedback on sites within heritage precinct areas that had been identified. This related to the following heritage areas:
- Petone State Housing Heritage Area;
 - Hardham Crescent State Housing Heritage Area;
 - Moera Railway Heritage Area;
 - Wainuiomata Terracrete Houses Heritage Area;
 - Petone Foreshore Heritage Area; and
 - Hutt Road Railway Heritage Area.
31. Kāinga Ora contracted its own heritage consultants to review their land holdings against the criteria in Policy 21 of the Regional Policy Statement. This was same criteria used by Council's heritage consultants.
32. The feedback from Kāinga Ora has been reviewed by Council's heritage consultants. This review has resulted in moderate amendments to the extent of the Petone State Housing Heritage Area (reduced by five properties) and Moera Railway Heritage Area (reduced by three properties).
33. Additional feedback submitted will be evaluated at a future date as part of the full District Plan review.

Summary of the Final Draft IPI

34. Following engagement with the community and Mana Whenua, a peer review, and direction from the Subcommittee at its 12 May 2022 meeting, officers have further refined the draft plan change content to respond to feedback that is within scope of the plan change. This includes the following refinements:
- A new *High Density Residential Activity Area* chapter (Chapter 4G) to manage areas where three-storey buildings would be permitted and four to six-storey buildings would be enabled through a resource consent process.
 - Introduction of a *Maximum residential units per site* standard in the High Density Residential Activity Area.
 - Simplifying the provisions of the *Central Commercial Activity Area* by removing the precinct-based approach to building height.
 - Providing for no explicit building height limit in Petone West (Petone Commercial Area 2) and for taller buildings to be assessed on a case-by-case basis.
 - Providing additional recession plane and setback requirements for buildings next to marae in the *Community Iwi Activity Area*, to protect the tikanga and cultural safety of cultural practices at marae.
 - Amendments to the *Natural Hazards* chapter (Chapter 14H) to address natural hazards not currently addressed in the District Plan.
 - Addition of a new *Wind* chapter (Chapter 14M) that consolidates and clarifies existing wind provisions and extends them to all areas covered by the intensification requirements of the NPS-UD.
 - Additional matters of discretion for restricted discretionary rules to provide clarity to plan users and ensure Council retains discretion over relevant environment effects.
 - Refinement to objectives and policies to reflect the level of development that would be provided for.

35. Table 1 includes a summary of the key points of the Final Draft IPI.

Table 1. Summary of the Final Draft Intensification Planning Instrument	
Residential zones	
1.	A new High Density Residential Activity Area (HDRAA) which applies to walkable catchment areas around the Central Commercial Area, the Petone Commercial Area and all train stations.
2.	An amended Medium Density Residential Activity Area (MDRAA) applies to all other relevant residential areas.
3.	The current General Residential, Special Residential and Historic Residential Activity Areas are deleted.
4.	For the MDRAA, the chapter of the District Plan would be retained, with updates to: <ol style="list-style-type: none"> a. Incorporate the Medium Density Residential Standards, and b. Ensure objectives and policies reflect the level of development enabled in the zone.
5.	For the HDRAA, a new chapter would be added. This chapter is based on the current MDRAA chapter of the District Plan, with updates to: <ol style="list-style-type: none"> a. Incorporate the Medium Density Residential Standards, except the maximum site coverage would be 60%, rather than 50%. b. Give effect to the requirements of the NPS-UD to enable development of at least six storeys within a walkable catchments of city centre zones, metropolitan zones, and rapid transit stops. c. Ensure objectives and policies reflect the level of development enabled in the zone.
6.	The current Special Residential and Historic Residential Activity Area chapters would be deleted as properties in these zones would be rezoned to either HDRAA or MDRAA. Properties in the Historic Residential Activity Area would be identified as precincts in the HDRAA (see <i>Qualifying matters</i> below).
Commercial zones	
7.	For the Central Commercial Activity Area (CCAA): <ol style="list-style-type: none"> a. Resource consent required for new builds and additions to existing buildings (existing District Plan approach). b. No explicit building height standards. c. Objectives, policies and design guidance updated to reflect level of development enabled.
8.	For the Petone Commercial Activity Area (PCAA): <ol style="list-style-type: none"> a. Resource consent required for all new buildings and additions to existing buildings (existing District Plan approach). b. Height standards vary by location, but taller buildings generally provided for.

<p>c. Objectives, policies and design guidance updated to reflect level of development enabled.</p> <p>9. For the Suburban Mixed Use Activity Area (SMUAA):</p> <p>a. Taller buildings provided for (height standards vary by location, from four to six storeys).</p> <p>b. Objectives and policies updated to reflect level of development enabled.</p> <p>10. The Suburban Commercial and Special Commercial Activity Area chapters of the District Plan would be deleted as all properties in these zones would be rezoned to the SMUAA.</p>
Qualifying matters
<p>11. Building heights and density are modified to accommodate the following qualifying matters:</p> <p>a. Natural hazard risk associated with fault rupture, flooding, tsunami and coastal hazards (accounting for climate change and sea level rise).</p> <p>b. Historic heritage, including for Jackson Street, areas currently in the Historic Residential Activity Area (Patrick Street and Riddlers Crescent), and five additional residential areas identified through the recent heritage review).</p> <p>c. Sites of significance to Māori, including the Significant Cultural Sites identified in the operative District Plan and sites adjoining Marae, urupā and kokiri centres.</p> <p>d. The National Grid (nationally significant infrastructure).</p> <p>e. Public open space.</p>
Other
<p>12. Height limits updated for parts of non-residential zones that are within walkable catchment areas (this includes parts of the General Business, Community Health and Community Iwi Activity Areas).</p> <p>13. Subdivision chapter updated to incorporate the Medium Density Residential Standards.</p> <p>14. Financial contributions chapter updated to ensure contributions are based on the number of residential units created and can be required for permitted activities.</p> <p>15. New Wind chapter added to provide objectives and policies that support the consideration of wind effects for new developments.</p> <p>16. Definitions chapter updated to include definitions that support other amendments.</p> <p>17. Minor amendments to some chapters to ensure they refer to updated zone and precinct names.</p>

36. The maps for the Final Draft IPI can be viewed at:

<https://maps.huttcity.govt.nz/portal/apps/webappviewer/index.html?id=50fc3e90f3934809824d0b29f57ac157>

Options

37. The options that are available to the Subcommittee are:

- Option 1: Endorse the Final Draft Intensification Planning Instrument **(recommended)**
- Option 2: Endorse a modified Final Draft Intensification Planning Instrument
- Option 3: No endorsement

38. These options are discussed below.

Option 1: Endorse the Final Draft Intensification Planning Instrument (recommended)

39. Option 1 is for the Subcommittee to endorse the Final Draft IPI (attached as Appendix 7 of this report) without modification. This is the recommended option.

Option 2: Endorse a modified Final Draft Intensification Planning Instrument

40. If the Subcommittee is not satisfied with the Final Draft IPI as presented through this report, the Subcommittee could choose to modify any part of it, and endorse that modified version.

41. If the modifications are relatively straight forward, officers would be able to make the modifications in time for the modified version of the draft IPI to be presented to the upcoming Policy, Regulatory and Finance Committee meeting. However, more substantial modifications would take more time to incorporate into the document. This could result in a delay to that meeting, and there would be a risk that Council would not notify the IPI within the statutory timeframe.

Option 3: No endorsement

42. Under Option 3, the Subcommittee would not endorse any version of the IPI. If the Subcommittee chose this option, it would need to be accompanied by additional decisions on how it intends to proceed. This would likely require officers to do further work and report back through a future Subcommittee meeting.

43. This option is not recommended as there would be a significant risk of Council not meeting the RMA requirements of notifying a proposed IPI by 20 August 2022. This opens the Council up to legal and reputational risk.

Next Steps

44. If the Subcommittee endorses a Final Draft IPI:
- The Final Draft IPI would be presented to the Policy, Finance and Strategy Committee at its 5 July 2022 meeting, then to full Council for its adoption as Council's proposed IPI, also on 5 July.
 - Officers will prepare the proposed IPI for notification, including preparation of a formal evaluation report (as described in s32 of the RMA).
 - The proposed IPI would be publicly notified by 20 August 2022.
45. Following public notification, the proposed IPI will follow the ISPP.

Climate Change Impact and Considerations

46. The matters addressed in this report have been considered in accordance with the process set out in Council's Climate Change Considerations Guide.
47. Providing for population growth through intensification in existing urban areas and around rapid transit stops supports greater use of public and active transport and enables an urban form that would contribute to a reduction in carbon emissions, particularly when compared to an urban form that provides for growth on the urban fringe and through areas where public and active transport modes are constrained.
48. An additional consideration is the impact of climate change on natural hazards risk, including risks associated with coastal, tsunami and flood hazards.
49. The impacts of climate change on natural hazard risk have been taken into account in the identification of areas for natural hazard overlays.

Engagement

50. Once Council has made its decision on the proposed IPI, it will be publicly notified and processed through the ISPP (described in Appendix 1 attached to the report). This is followed by a submissions and further submissions process, which provides the opportunity for members of the public to submit on the proposal. Submitters are then given the opportunity to speak to their submission at a public hearing.
51. In addition, the following communication with the communication is planned:
- Following the 5 July 2022 additional Council meeting: A media release of key points, advising of the upcoming notification and submission process. Responses to Frequently Asked Questions will also be shared on the IPI webpage and through social media.
 - Early-July and mid-August 2022: Council officers will hold in-person sessions with regular plan users. The purpose of the sessions will be to explain the implications of the proposed IPI, particularly the new resource consent requirements.

- By 20 August 2022: To complement the public notice of the proposed IPI, a display advertisement in the Hutt News to advise readers of the statutory consultation, as well as advertising on social media and through Council's hubs.

Legal Considerations

52. The key legal considerations for the IPI are:

- Council must prepare an IPI in accordance with sections 77F-77T of the RMA;
- Council must notify an IPI by 20 August 2022; and
- The IPI must be processed through the ISPP, as outlined in the RMA.

53. There would be a legal risk from not meeting these statutory requirements to notify an IPI (as described in the RMA) by 20 August 2022 and process it through the ISPP.

Financial Considerations

54. Where options have specific financial implications, these are identified in the Options section of this report.

55. More generally, the main financial costs for Council associated with the IPI are the costs associated with the Intensification Streamlined Planning Process. This includes the costs associated with notification, summarising and evaluating the decisions requested by submitters and holding a hearing.

56. However, the Intensification Streamlined Planning Process will involve a notification, submission and hearing process regardless of which options Council proceeds with in the IPI.

57. The costs associated with the IPI are being met through the current District Plan Review budget which is funded from the Long Term Plan.

Appendices

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Requirements of the Intensification Planning Instrument

The *Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021* requires Hutt City Council to prepare a plan change to implement the National Policy Statement on Urban Development and Medium Density Residential Standards. The detailed requirements of this are:

Mandatory requirements	
All residential zones, except for large lot residential zones	Incorporate the Medium Density Residential Standards (listed below).
City centre zones	Enable building heights and density of urban form to realise as much development capacity as possible.
Metropolitan centre zones	Enable building heights and density of urban form to reflect demand for housing and business use in those locations, and in all cases building heights of at least 6 storeys.
Walkable catchments of: <ul style="list-style-type: none"> Existing and planned rapid transit stops, The edge of city centre zones, and The edge of metropolitan centre zones. 	Enable building heights of least 6 storeys.
In and adjacent to: <ul style="list-style-type: none"> Neighbourhood centre zones, Local centre zones, and Town centre zones. 	Enable building heights and density of urban form commensurate with the level of commercial activity and community services.
Qualifying matters	
The above requirements may be modified only to the extent necessary to provide for:	<ul style="list-style-type: none"> Matters of “national importance” set out in the RMA: <ul style="list-style-type: none"> Coastal natural character Outstanding natural features and landscapes Protecting indigenous biodiversity Public access to the coast, lakes, and rivers Protecting land, water, sites, waahi tapu, and other taonga significant to Māori Historic heritage

